

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	2251.05
COMPLAINT INVESTIGATOR:	Joe Bear
DATE OF COMPLAINT:	May 2, 2005
DATE OF REPORT:	May 25, 2005
REQUEST FOR RECONSIDERATION:	yes/not revised – June 13, 2005
DATE OF CLOSURE:	June 13, 2005

COMPLAINT ISSUES:

Whether Lanesville Community School Corporation and Harrison County Special Education violated:

511 IAC 7-21-4(b) by failing to ensure that an early childhood special education program shall have no more than 10 students with disabilities.

FINDINGS OF FACT:

1. The Student has been identified as having autism spectrum disorder and has been determined eligible for special education and related services.
2. The Student participates in the School's early childhood program for students with disabilities that is held in a private daycare facility. The Student attends a half-day morning session five days per week.
3. The School has two teachers at the facility who each teach one morning and one afternoon session. Each teacher is assisted by a paraprofessional. An additional paraprofessional is also available on days when the number of students attending exceeds eight students in a class. The teachers' classrooms are separated by a dividing wall. All of the student storage compartments are in the larger of the two rooms, which is also where students are dropped off and picked up by parents.
4. The lists of students submitted by the Complainant and the School are different. The School's Student Attendance Record shows the students separated by teacher, and indicates the number of times students have attended from August 2004 through April 2005. The Complainant's list shows the students separated into morning and afternoon groups, but does not show them separated by teacher.
5. There is a total of 34 students enrolled in the early childhood program. One teacher is assigned 19 students (total morning AND afternoon) and the other is assigned 15 students (total morning AND afternoon). The number of students actually attending varies due to absences and according to the day of the week, because students are scheduled for anywhere from two to five days per week.
6. On Thursday mornings there are 10 students scheduled for one of the classes. On those Thursdays when more than eight students actually attend, the additional paraprofessional assists with the class.
7. The teachers divide the students into two groups for instructional purposes and to ensure that the number of students is not more than eight per group. Should conditions require the number of students to be more than eight in one group, an additional paraprofessional helps that class.

8. The classes remain divided for instruction and for responding to the needs outlined in students' IEP's. The classes come together for recess and snack times, and occasionally for inclusion time with nondisabled children. Additional supervision is provided during these times.

CONCLUSIONS:

Findings of Fact #2 through #8 indicate that the School has not failed to ensure that the early childhood special education program has no more than 10 students with disabilities. Therefore, a violation of 511 IAC 7-21-4(b) is not found.

The Department of Education, Division of Exceptional Learners, requires no corrective action based on the Findings of Fact and Conclusions listed above.